

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DALE DEVON SCHEANETTE, §
Petitioner, § CIVIL ACTION NO. 1:05cv202
vs. §
DOUG DRETKE, Director, Texas §
Department of Criminal Justice, §
Correctional Institutions Division, §
Respondent. §

ORDER

Dale Devon Scheanette (“Scheinette”), proceeding *pro se*, filed an application for a writ of *habeas corpus* in this Court on March 14, 2005. Scheanette challenges the capital murder conviction and death sentence imposed upon him by the Criminal District Court Four of Tarrant County, Texas in cause No. C-4-006948-0854220-A, styled *The State of Texas v. Dale Devon Scheanette*.

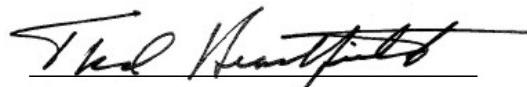
28 U.S.C. Sec. 2241(d) provides that where an application for a writ of *habeas corpus* is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district where the applicant is currently confined, or in the district court for the district where the applicant was convicted and sentenced and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer

the application to the other district court for hearing and determination.

In the present case, Scheanette is incarcerated in the Polunsky unit in Livingston, Texas. Livingston is in Polk county, which is within the Eastern District of Texas, but he was convicted in Tarrant County, which is within the Northern District of Texas. While both courts have jurisdiction to hear this application, the records and potential witnesses are located in Tarrant County. The Northern District of Texas is therefore a more convenient forum for this application. *See Bell v. Watkins*, 692 F.2d 999, 1013 (5th Cir.1982), *cert. denied sub nom., Bell v. Thigpen*, 464 U.S. 843, 104 S.Ct. 142, 78 L.Ed.2d 134 (1983).

IT IS THEREFORE ORDERED that this case is transferred to the United States District Court for the Northern District of Texas.

SIGNED this the 6 day of July, 2005.



Thad Heartfield
United States District Judge